

### Amendments to the Claims

1. **(Currently Amended)** An evaluation apparatus for acquiring numerical data showing a state of a biological sample including a cell having a linear structure extending from a main body of a soma from image data obtained by taking an image of the biological sample, the evaluation apparatus comprising:

a condition pass/fail determining unit for deleting the linear structure from the image of the biological sample and determining whether a measuring area set as a numerical data acquiring area in the an image of the biological sample has a number of main bodies, as a number of somas, that to be evaluated meets a predetermined condition for acquiring the numerical data;

a digitization unit for acquiring the numerical data from the image of which the measuring area is judged to meet the predetermined condition; and

a measuring area changing unit for changing a position of the measuring area with regard to the biological sample when said condition pass/fail determining unit determines the predetermined condition is not met.

2. **(Canceled)**

3. **(Original)** The evaluation apparatus of claim 1, wherein the predetermined condition includes a reference image to be compared with the image in the measuring area.

4. **(Previously Presented)** The evaluation apparatus of claim 1, wherein the predetermined condition includes a predetermined value for judging a result of a comparison between the image in the measuring area and a reference image.

5. **(Currently Amended)** The evaluation apparatus of claim 1, wherein ~~the biological sample is a cell having a linear structure extending from a main body of a soma, and the numerical data includes at least one of~~ (i) a length of the linear structure and (ii) ~~an entire area of the linear structure.~~

6. **(Currently Amended)** An evaluation method for acquiring numerical data from image data obtained by taking an image of a biological sample including a cell having a linear structure extending from a main body of a soma, the evaluation method comprising:

setting a condition for acquiring the numerical data from a measuring area set as a numerical data acquiring area in the image to be evaluated;

deleting the linear structure from the image of the biological sample;

judging whether the measuring area of the image of the biological sample has a number of main bodies, as a number of somas, that meets the condition for acquiring the numerical data;

acquiring the numerical data from the measuring area when the measuring area is judged to meet the condition; and

changing a position of the measuring area with regard to the biological sample when the measuring area is judged not to meet the condition.

7. **(Canceled)**

8. **(Original)** The evaluation method of claim 6, wherein the condition includes a reference image to be compared with the image in the measuring area.

9. **(Previously Presented)** The evaluation method of claim 6, wherein the predetermined condition includes a predetermined value for judging a result of a comparison between the image in the measuring area and a reference image.

10. **(Previously Presented)** The evaluation method of claim 6, ~~wherein the biological sample is a cell having a linear structure extending from a main body of a soma, and the numerical data includes at least one of~~ (i) a length of the linear structure and (ii) ~~an entire area of the linear structure.~~

11. **(Currently Amended)** A computer program stored on a storage medium for executing an evaluation method of a biological sample including a cell having a linear structure extending from a main body of a soma for acquiring numerical data from an

image data obtained by taking an image of the biological sample, the evaluation method comprising:

setting a condition for acquiring the numerical data from a measuring area set as a numerical data acquiring area in the image to be evaluated;

deleting the linear structure from the image of the biological sample;

judging whether the measuring area of the image of the biological sample has a number of main bodies, as a number of somas, that meets the condition for acquiring the numerical data;

acquiring the numerical data from the measuring area when the measuring area is judged to meet the condition; and

changing a position of the measuring area with regard to the biological sample when the measuring area is judged not to meet the condition.

**12. (Canceled)**

**13. (Original)** The storage medium of claim 11, wherein the condition includes a reference image to be compared with the image in the measuring area.

**14. (Previously Presented)** The storage medium of claim 11, wherein the condition includes the predetermined value for judging the result of a comparison between the image in the measuring area and a reference image.

**15. (Currently Amended)** The storage medium of claim 11, wherein ~~the biological sample are a cell having a linear structure extending from a main body of a soma, and the~~ numerical data includes at least one of (i) a length of the linear structure and ~~(2) an entire~~ area of the linear structure.